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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX)	MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND)	
PRODUCT LIABILITY LITIGATION)	
_____)	
BARLOW, et al.,)	CASE NO. CGC-06-449081
)	MDL Case No. 06-1964 CRB
)	
Plaintiffs,)	STIPULATION AND ORDER OF
)	DISMISSAL WITH PREJUDICE
vs.)	AS TO PLAINTIFF MARY CUMMINS
)	
PFIZER, INC., et al.)	
)	
Defendants.)	
_____)	

COME NOW, Plaintiff MARY CUMMINS and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

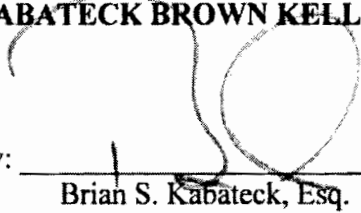
**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
AS TO PLAINTIFF MARY CUMMINS**

1 hereby stipulate to the dismissal of Plaintiff MARY CUMMINS from this action, with prejudice,
2 each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

5
6 Dated: September 24, 2009

KABATECK BROWN KELLNER LLP

7
8 By: 
9 Brian S. Kabateck, Esq.
10 Attorneys for Plaintiff MARY CUMMINS

11 Dated: October 27, 2009

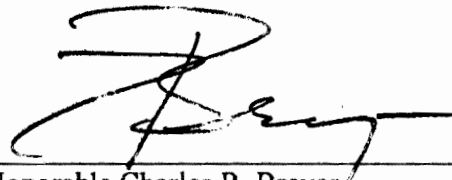
DLA PIPER LLP

12
13 By: /s/
14 Matthew A. Holian
15 Attorney for Defendants PFIZER, INC., et al.

16
17 **ORDER**

18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20
21 Dated: OCT 29 2009


22 Honorable Charles R. Breyer
23 United States District Court
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